IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 61 OF 2005

The State (Central Bureau of
Investigation) ...Applicant

Versus

Anil Murlidhar Deshmukh & Anr. ...Respondents

.....

Mr.Raja Thakore with Mr.P.D.Gharat for Applicant.

Mr.A.Majeed Memon with Mr.Parvez Memon
for Respondents.

Mr.A.S.Gadkari, A.P.P. for State.

ALONG WITH

CRIMINAL REVISION APPLICATION NO. 62 OF 2005

The State (Central Bureau of
Investigation) ...Applicant

Versus

Dattatray Krishnaji Ghule & Anr. ...Respondents

.....

Mr.Raja Thakore with Mr.P.D.Gharat for Applicant.

Mr.S.P.Kadam for Respondent No.1.

Mr.N.G.Bane for Respondent No.2.

Mr.A.S.Gadkari, A.P.P. for State.

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CORAM: A.M.KHANWILKAR, J.

MARCH 4, 2005.

P.C.

1. These Applications have been filed by the State, questioning the justness of the order passed by the Special Judge under M.C.O.C. Act, Pune dated 25th February 2005, granting extension to the prosecution for filing charge-sheet, only till 4th March 2005, instead of one month, as originally prayed. It is not in dispute that the last date available to the prosecution to file charge-sheet as per the statutory provision will be up to 6th April 2005, as 180 days would expire on that date.

2. In this backdrop, it is contended that the Court below has committed manifest error in extending time only till 4th March 2005, which extended period was insufficient for the prosecution to file the charge-sheet, having regard to the complexity of the case and the nature of investigation, which is at a crucial stage.

3. However, after hearing the Counsel for the parties, without expressing any opinion on the merits of the contentions raised before this Court, in my view, the State has rushed to this Court instead of availing of option before the Special Judge by presenting report of the Public Prosecutor, giving justification for further extension. It is only when that Court was to refuse further extension, the question of examining the grievance raised in the present Application would arise for consideration of this Court.

4. Accordingly, both these Applications are disposed of with liberty to the Applicant State to move necessary report of the Public Prosecutor before the Special Judge, M.C.O.C. Court, which in turn, will have to be decided on its own merits in accordance with law.

5. It is once again made clear that this order shall not be understood as expression of opinion on the merits of the contentions available in the proceedings before the lower Court in any

manner whatsoever.

6. Both the applications are disposed of on the above terms.

A.M.KHANWILKAR, J.